

ORDINANCE NO. 2010 -017

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; RESCINDING ALL OF ORDINANCE NO. 2009 26 (OKEELANTA INLAND LOGISTICS CENTER (LGA 2009-008) EXCEPT FOR THE DEFINITION OF AN INLAND LOGISTICS CENTER IN THE INTRODUCTION & ADMINISTRATION ELEMENT; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners approved a Settlement Agreement on May 18, 2010 to resolve DOAH Case No. 09-6006GM which was a formal compliance proceeding regarding Palm Beach County Ordinance No. 2009-008, the comprehensive plan amendments regarding the OKEELANTA INLAND LOGISTICS CENTER (LGA 2009-008 (hereinafter referred to as Okeelanta Plan Amendment); and

WHEREAS, the Settlement Agreement calls for the Palm Beach County to rescind the Okeelanta Plan Amendment except for definition of "Inland Logistics Center" as adopted in Ordinance No. 2009-26; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on June 24, 2010 to consider adoption of the amendment; and

WHEREAS, Palm Beach County Board of County Commissioners has determined that this amendment rescinding all of the Okeelanta Plan Amendment except for the definition of Inland Logistics Center complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act;

WHEREAS, the Palm Beach County Board of County Commissioners has determined that this amendment is consistent with the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

The following portions of Ordinance 2009-026 are rescinded as indicated on Exhibit 1 and Exhibit 2 which are attached:

1. Future Land Use Atlas page 3645 is amended as follows:

Application: Okeelanta Inland Logistics Center (LGA 2009-008)

Amendment: From Agricultural Production (AP) to Agricultural Production, with an underlying Industrial (AP/IND);

Location: In western County, fronting on US 27 (north-south road), and approximately 1.1 miles south of County Road 827A (nearest east-west road);

Size: Approximately 318.17 acres;

Conditions: The site is subject to the following conditions:

1. The IND designation shall be limited to use for an inland logistics center serving south Florida ports.
2. If an inland logistics center does not move forward on this site, County staff shall bring forward to the Board of County Commissioners an amendment to return the property to the Agricultural Production (AP) designation.
3. The applicant shall coordinate with the South Florida Water Management District prior to BCC zoning approval to ensure that the development, operation, maintenance and future expansion of the inland logistics center will not conflict with the Everglades restoration projects and projects to improve Lake Okeechobee.
4. A hazardous waste and materials management plan will be submitted to Palm Beach County, FDEP and SFWMD for review and approval prior to approval of development within the site. The management plan shall provide the best management practices for the storage, handling and emergency release response of hazardous waste and materials.
5. The subject site is limited to a maximum of 2,084,346 sf of Industrial and 2,084,346 sf of Warehouse uses or equivalent traffic generating uses.
6. Building permits for more than 1,021,330 sf of Industrial and 1,021,330 sf of Warehouse (or the equivalent of 1,266 PM peak hour trips) may not be issued prior to December 31, 2013 unless the property owner is able to demonstrate that the transportation concurrency requirements have been satisfied

for additional square footage, or additional square footage is otherwise permitted by applicable laws and ordinances at the time of development order application.

2. Text and Map Series Amendments to modify elements and maps as follows:

- A. Future Land Use Element, to allow Industrial as an underlying designation for Future Land Use Atlas amendment sites conditioned to be developed as an inland logistics center, and to allow such properties to be identified as Limited Urban Service Areas;
- B. Conservation Element, to require coordination with SFWMD regarding future expansion of the Inland Logistics Center;
- D. Map Series, Service Areas Map LU 2.1 to establish the Okeelanta Inland Logistics Center as a Limited Urban Service Area.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued

by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

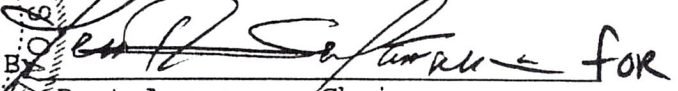
APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 24th day of June, 2010.

ATTEST:

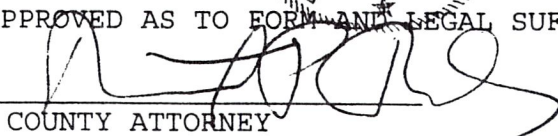
SHARON R. BOCK, CLERK OF PALM BEACH COUNTY, FLORIDA, BY ITS BOARD OF COUNTY COMMISSIONERS

By:


Deputy Clerk

 for
Burt Aaronson, Chair
Jess R. Santamaria

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 1st day of July, 2010.

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Exhibit 1

The portion of Ordinance 2009-026 which amended Future Land Use Atlas Page 3645 (Okeelanta Inland Logistics Center (LGA 2009-008) is rescinded in its entirety.

Exhibit 2

The following portions of the Text and Map Series of the Palm Beach County Comprehensive Plan as amended by Ordinance 2009-26 are rescinded:

RECISSON: The portions of the plan text that are rescinded are shown with new text underlined and the deleted text ~~struck-out~~.

A. Future Land Use Element, Okeelanta Inland Logistics Center

REVISED Policy 2.1-e: The Future Land Use Atlas may depict underlying residential densities or alternative designations as provided below. The County may initiate a land use amendment to remove the non-utilized future land use designation after the property is developed.

1. The Future Land Use Atlas may depict residential or industrial underlying/alternative land uses for properties designated Commercial or Commercial Recreation. The alternative use will permit development provided maximum allowable densities or intensities are not exceeded.

...unaltered text omitted for brevity

- ~~6. The Future Land Use Atlas may depict an Industrial underlying/alternative land use for properties subject to an amendment that has been conditioned in the adopting ordinance to be developed as an Inland Logistics Center serving south Florida ports.~~

NEW Policy 2.2.4-b: The County shall not approve a future land use map amendment to ~~expand the Okeelanta Inland Logistics Center and any associated Limited Urban Service Area onto adjacent lands unless:~~

- ~~1. such an expansion is justified with appropriate data and analysis;~~
- ~~2. the amendment is conditioned to limit uses to those associated with an Inland Logistics Center as defined in the Introduction and Administration Element; and,~~
- ~~3. such an expansion will not conflict with Everglades restoration projects and projects to improve Lake Okeechobee.~~

Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

1. the area described as the United Technology - Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/ North County Airport;
3. the Agricultural Reserve; and
4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;
5. the area east of the SFWMD L-8 Canal within the Glades Area Protection Overlay; and
6. an Agricultural Enclave pursuant to Florida Statute section 163.3162(5); and
- ~~7. an area outside the Urban Service Area where the Board of County Commissioners has adopted an underlying Industrial future land use designation that is conditioned to being developed as an Inland Logistics Center serving south Florida ports. The LUSA shall be limited to use for an inland logistics center serving south Florida ports.~~

The LUSA shall be depicted on the Service Areas Map in the Map Series upon designation through a Plan amendment. The official boundaries of each LUSA shall be depicted on the Service Areas Map in the Map Series.

B. Conservation Element, Okeelanta Inland Logistics Center

RECISSION:

~~**NEW Policy 3.1-q:** The County shall coordinate with the South Florida Water Management District prior to adopting any additional land use plan amendments to expand the Okeelanta Inland Logistics Center in order to ensure that the future expansion of the Inland Logistics Center will not conflict with the Everglades restoration projects and projects to improve Lake Okeechobee.~~

D. Map Series, Service Areas, Map LU 2.1, Okeelanta Inland Logistics Center

RECISSION:

The change to Map LU 2.1 depicting the Okeelanta Inland Logistics Center Exhibit 1 as a Limited Urban Service Area is rescinded.

SHERIFF, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on June 24, 2010
dated at West Palm Beach, FL on 7/12/10
By: Diane Brown
Deputy Clerk
COUNTY
FLORIDA
COMMISSIONERS